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EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/674,079	<b>Applicant(s)</b> MERIC ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 12/22/2004 have been fully considered but they are not persuasive.

As to claims 1-18 stand rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Applicant argues, "...the claim does not recite that the memory/buffer is *active* in the combination of data. Rather, the claim recites that data is combined therein (i.e., the data is combined within the memory/buffer). As an analogy, consider a method for mixing water with wine in a glass, where the glass itself is not active in the mixing process, but the liquids are still mixed within the glass."

In response to Applicant's analogy, the Examiner fully agrees with Applicant's analogy and further believes that Applicant's analogy is very educational and entertaining; however, the Examiner respectfully still do not see the correlation/relationship between "a method for mixing water with wine in a glass..." and Applicant's claim "a method of processing video data in a receiver...passing graphics data stored in the graphics buffer area to the data buffer area for combination with display data stored therein."

As to Applicant's remark "...the claim does not recite that the memory/buffer is *active* in the combination of data. Rather, the claim recites that data is combined therein (i.e., the data is combined within the memory/buffer)", the Examiner respectfully agrees with Applicant that the claim recites that data is combined therein (i.e., the data

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is combined within the memory/buffer); however, one of ordinary skill in the art would not know how a memory/"data buffer area" is **not** active in the combination of data, as indicated by Applicant, and yet the data is combined within the memory/buffer.

Applicant is requested to further elaborate **how** data is combined therein (i.e., the data is combined within the memory/buffer) beside Applicant' s analogy because one of ordinary skill in the art would not know, how? Furthermore, Applicant' s Fig. 6 indicates that data is combined **outside** of the buffer areas 43, 44 and 45 with **"mixing circuit" 50, 51 and "combining circuit" 53** (Applicant' s specification at page 15, lines 30-page 16, lines 15) and yet Applicant's remark indicates the contrary (i.e., the data is combined within the memory/buffer).

Applicant is, again, respectfully requested to either clarify how/where claims 1 and 11' s limitation corresponds to the scope and disclosure of Applicant' s specification beside Applicant 's analogy or amend the claim language to better reflect Applicant 's disclosure. In the mean time, the Examiner maintains the rejection under 35 U.S.C. §112, 2<sup>nd</sup> paragraph.

As to the rejection(s) under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), Applicant's argument is moot, since claims 1-19 still stand rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as discussed above and from the previous Office Action in which prior art is applied to applicant claims as best understood in view of the 35 U.S.C. §112, 2<sup>nd</sup> paragraph rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Limitation in claim 1, "...said method comprising passing graphics data stored in the graphics buffer area to the data buffer area for combination with display data stored therein" and limitation in claim 11, "...and means for passing graphics data stored in the graphics buffer area to the data buffer area for combination with display data stored therein" do not correspond to the scope and disclosure of Applicant's specification (page 15, lines 30-page 16, lines 15) and Fig. 6. Applicant's Fig. 6 seems to indicate that the combination of data **is done outside** of the buffer areas 43, 44 and 45 with **"mixing circuit" 50, 51 and "combining circuit" 53** (page 15, lines 30-page 16, lines 15). It is unclear how a memory/buffer with stored data is able to mix/combine data stored therein, as claimed, beside of storing data. Further clarification from Applicant is required.

Claim 3 in lines 2-3 and Claim 14 in lines 3-4 recites the limitation "the other data buffer sub-area". There is insufficient antecedent basis for this limitation in the claims. Appropriate correction from Applicant is required.

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Moreover, it is unclear the difference or similarity between the other data buffer sub-area (that stores incoming data) and the other data buffer sub-area (that receives the passable graphics data). Further clarification and correction of the claim language from Applicant is required.

The following art rejection is applied to applicant claims as best understood in view of the 35 U.S.C. §112, 2<sup>nd</sup> paragraph rejection above.

### ***Claim Objections***

Claim 2, Line 1, limitation "the data buffer" should be changed to -- the data buffer area --.

Claim 4, line 1, limitation the "data buffer two sub-area" should be changed -- the two data buffer sub-areas--.

Claim 16, line 3-4, limitation "from a selected on of the graphics buffer sub-area" should be changed to -- from a selected one of the graphics sub-areas --.

Appropriate correction from Applicant is required.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/674079, filed on 10/25/2000.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels of all the elements in Fig. 1, i.e., element 3 should be labeled "MPEG-2 Compressor"; element 4 should be labeled "Multiplexer & Scrambler"; etc... as described in the specification page 7.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, and 11-19 are rejected under 35 U.S.C. 102(b) as being unpatentable by O'Sullivan (EP 0752695 A2).

Claim 1, O'Sullivan discloses a method of processing video data in a receiver/decoder comprising at least one port for receiving data (page 2, lines 11-13) and memory means comprising a data buffer area (Fig. 2; Video memory 46) for storing incoming data for display (page 6, lines 47-page 7, lines 38), and a graphics buffer area (Fig. 2; Graphic memory 36) for storing graphics data (page 5, lines 28-54), said method comprising passing graphics data stored in the graphics buffer area to the data buffer area for combination with display data stored therein (page 7, lines 47-48).

Claim 2, O'Sullivan further discloses wherein the data buffer area (Video memory 46) comprises two data buffer sub-areas (Banks A-D), said incoming display data being directed into one of said data buffer sub-areas at a time (page 6, lines 47-54).

Claim 3, O'Sullivan further discloses wherein the two data buffer sub-areas (Banks A-D) are interchanged so that further incoming display data is stored in the other data buffer sub-area (page 6, lines 28-30) and graphics data stored in the



graphics buffer area is passed to the other data buffer sub-area (page 5, lines 47-54).

Claim 4, O'Sullivan further discloses wherein the data buffer two sub-areas (Banks A-D) are interchanged immediately after graphics data stored in graphics buffer area (Graphic memory 36) is passed to one of the data buffer sub-areas (page 7, lines 29-30).

Claim 5, O'Sullivan further discloses wherein graphics buffer area (Graphic memory 36) comprises a plurality of graphics buffer sub-areas in which graphics data is stored (see Fig. 2, elements 58 and 60), graphics data being passed to the data buffer area (Video memory 46) from a selected one of the graphics buffer sub-areas (page 5, lines 47-54).

Claim 6, O'Sullivan further discloses wherein the combined graphics and display data is further combined with other received data (screen layout) to provide video data (page 7, lines 47-58).

Claim 7, O'Sullivan further discloses wherein graphics data stored in the graphics buffer area (Graphic memory 36) is passed into the data buffer area (Video memory 46) for combination with display data stored therein immediately before the thus combined graphics and display data is combined with said other received data (page 6, lines 12-18).

Claim 11, a receiver/decoder of claim 11 is analyzed with respect to method claim 1.

Claim 12, wherein said data buffer area of claim 12 is analyzed with respect to method claim 2.

Claim 13, O'Sullivan further discloses control means (Fig. 2, el. 31), the directing means being arranged to direct incoming display data to one of the data buffer sub-areas as specified by said control means (page 5, lines 8-27).

Claim 14, is analyzed with respect to method claim 3.

Claim 15, is analyzed with respect to method claim 4.

Claim 16, is analyzed with respect to method claim 5.

Claim 17, is analyzed with respect to method claim 6.

Claim 18, is analyzed with respect to method claim 7.

Claim 19, O'sullivan further discloses reception system including a receiver/decoder according to Claim 11 and means for broadcasting (page 2, lines 11-12 and 38-48; video source, i.e., Television broadcaster not shown) said data.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Sullivan (EP 0752695 A2) in view of Blonstein et al. (US 5835156).

Claim 8, O'Sullivan further discloses wherein the video data comprises four layers of data such as combined graphic data and video data on a display of Fig. 2; video data; and graphic data said combined graphics and display data comprising one of said layers (page 3, lines 49-page 4, lines 4).

O'Sullivan does not clearly disclose a cursor for the user to select or interact with element displays on the screen.

Blonstein discloses a cursor for the user to select or interact with element displays on the screen (Fig. 5, 7-10 with cursor 804; Col. 9, lines 5-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'Sullivan with Blonstein so to provide to facilitate user of selecting any option available on a GUI interface of the display (Col. 2, lines 43-62).

Claim 9, O'Sullivan (page 6, lines 12-18 and page 7, lines 47-48) in view of Blonstein (Fig. 5, 7-10) further discloses wherein the four layers of data comprise said combined graphics and display data layer (both graphic and video pixel data), a stills data layer (graphic pixel data), a moving image data layer (video pixel data), and a cursor data layer (see Blonstein above analysis).

Claim 10, Blonstein further discloses wherein the moving image data layer and the display data comprise at least part of an MPEG data stream (see Fig. 5, el. 316).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

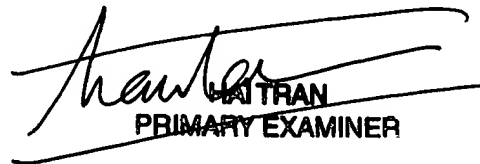
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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